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February 21, 2023

VIA ECF

The Honorable Sarah Netburn
Thurgood Marshall Courthouse
40 Foley Square, Room 430
Southern District of New York
New York, New York 10007

Re: *Emergency Physician Services of New York v. UnitedHealth Group, Inc.*, No. 1:20-cv-09183-JGK-SN: Motion to Seal Exhibit A to the Declaration of Lon Troyer

Dear Judge Netburn:

In accordance with Local Rule 7.1(d), Rule III.F of Your Honor's Individual Practices in Civil Cases, the S.D.N.Y.'s Sealed Records Filing Instructions, and the Confidentiality Stipulation and Protective Order in effect in this action (the "Protective Order") (Dkt. No. 110), Provider Plaintiffs request that the Court grant them leave to file under seal Exhibit A to the Declaration of Long Troyer in Support of Provider Plaintiffs' Letter Response to Your Honor's Order regarding ESI (Dkt No. 313). Exhibit A is the technology-assisted review ("TAR") protocol used by Provider Plaintiffs in their review of documents in this litigation. This protocol was created by Provider Plaintiffs' eDiscovery vendor Lighthouse Global ("Lighthouse"). Lighthouse has requested that this document be afforded confidential treatment.

Exhibit A contains Confidential Information, as defined in the Protective Order, including descriptions of Lighthouse's proprietary technology, the disclosure of which could place it at a competitive disadvantage. Accordingly, Exhibit A should be filed under seal. *See* Dkt. No. 306 (granting United's motion to seal Provider Plaintiffs' confidential business information); *Haley v. Tchrs. Ins. & Annuity Ass'n of Am.*, No. 17-cv-00855 (JPO)(RWL), 2020 WL 3618573, at *1 (S.D.N.Y. July 2, 2020) ("The sealing of documents may be justified to preserve 'higher values,' including the need to protect an entity from 'competitive injury.'"); *Tropical Sails Corp. v. Yext, Inc.*, No. 14-cv-7582, 2016 WL 1451548, at *4 (S.D.N.Y. Apr. 12, 2016) (sealing sensitive business information).

Pursuant to Paragraph 22 of the Protective Order, before filing a Confidential document publicly, the Parties are required to "file a motion with the Court for filing under seal, unless the producing Party otherwise agrees." *Id.* Therefore, Provider Plaintiffs hereby request that the Court grant their request to file under seal Exhibit A.

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Respectfully submitted,

/s/ Wendy H. Schwartz

Wendy H. Schwartz

cc: Counsel of Record (via ECF)